

Application No.: 10/800,024
Filed: March 12, 2004

REMARKS/ARGUMENTS

Reconsideration is respectfully requested. Claims 1, 4, 25, 28, 32, 49, 55, 79, and 80 are pending. Claims 2-5, 5-24, 26, 27, 29-31, 33-48, 50-54, and 56-78 have been cancelled. Claims 1, 25, 49, and 55 have been amended. New claims 79 and 80 have been added. No new matter has been added due to the amendments. Amendment to and cancellation of the claims does not affect inventorship.

Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

As a preliminary matter, the Applicants thank the Examiner for her helpful advice regarding the claim amendments.

Applicants respectfully request that the draft Reasons of Allowance be amended as follows:

The claims are drawn to a protein consisting of SEQ ID NO:5 (a) in a particular crystalline state; (b) as a soluble protein; and (c) in a non-crystalline state ~~crystal of 11- β -Hydroxysteroid dehydrogenase Type 1 and soluble and non-crystalline protein thereof consisting of SEQ ID NO:5.~~ Said sequence is amino acids 24-292 of wild-type 11- β -Hydroxysteroid dehydrogenase Type 1 that includes a 17 amino acid His-tag at the N-terminus and a Cys to Ser substitution at residue 272 as compared to wild type (e.g., SEQ ID NO:1). None protein of such sequence No 11- β -Hydroxysteroid dehydrogenase Type 1 from any source ~~has been crystallized previously; furthermore, a careful search of SEQ ID NO:5 against other amino acid databases, both commercial and interference databases, revealed that no prior art exists. The inclusion of soluble and non-crystalline in claims 49 and 55, while not supported verbatim in the specification, is believed not to introduce new matter since clearly the specification described soluble SEQ ID NO:5 which is in a non-crystalline form.~~

PATENT

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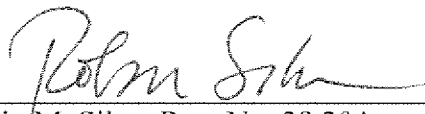
CONCLUSION

In view of the foregoing, it is believed that all claims now pending in this application are in condition for allowance. Should the Examiner not agree, the Applicants respectfully ask the Examiner to contact the undersigned at 415-442-1000 to discuss any remaining issues and accelerate the examination and allowance of this application, Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (Client Matter No. 067450-5024US).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: 3/30/07
Customer No.: 67374
MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105
Telephone: (415) 442-1000
Facsimile: (415) 442-1001

By: 
Robin M. Silva, Reg. No. 38,304
Filed Under 37 C.F.R. 1.34